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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
FIRST APPELLATE DISTRICT
DIVISION FOUR

In re BARRY L., a Person Coming Under
the Juvenile Court Law.

SAN MATEO COUNTY HUMAN
SERVICES AGENCY,

Plaintiff and Respondent,

v.

BARNEY L.,

Defendant and Appellant.

A125970

(San Mateo County
Super. Ct. No. 69919)

In January 2009, the juvenile court denied the request of appellant Barney L. for a contested sixth postpermanency planning hearing on the issue of visitation. In September 2009, after Barney appealed this order, we remanded the matter to the juvenile court for a contested sixth postpermanency planning hearing. (*In re Barry L.* (Sept. 29, 2009, A124130) [nonpub. opn.].)¹ We held that Barney had a statutory right to a contested status review hearing. (Welf. & Inst. Code, § 366.3, subd. (f); *In re Josiah S.* (2002) 102 Cal.App.4th 403, 416-417; *In re Kelly D.* (2000) 82 Cal.App.4th 433, 435-438.)

¹ In December 2009, we granted Barney's request to take judicial notice of our earlier decision, without a finding of relevance. We find that decision to be relevant. (See Evid. Code, §§ 210, 350, 452, subd. (d)(1), 459, subd. (a).)

While that matter was pending on appeal, in July 2009, Barney sought to obtain visitation with his son, minor Barry L. The juvenile court denied Barney's request for a contested seventh postpermanency planning hearing on visitation. In the present appeal, Barney argues that the juvenile court erred in denying his request for a contested hearing, citing our ruling in his prior appeal. The agency concedes error. We agree that this matter must be remanded, for the same reasons that we set out in our September 2009 decision in the related appeal. (See *In re Barry L.*, *supra*, A124130.)

The order after the seventh postpermanency planning hearing is reversed, and that matter is remanded to the juvenile court for a contested hearing on visitation.

Reardon, J.

We concur:

Ruvolo, P.J.

Rivera, J.